REMARKS

This application has been reviewed in light of the Office Action dated

January 11, 2006. Claim 1-10, 12-20, 22-25, 27-53, and 55-71 are presented for

examination, of which Claims 1, 22, 35, 46, 55, and 63 are in independent form. Claims 1,

2, 22, 23, and 35 have been amended to define Applicant's invention more clearly.

Favorable reconsideration is requested.

The Abstract was objected to for exceeding 150 words. The Abstract has

been amended herein to comply with the limitation of being no more than 150 words in

length, and to conform to the recitation of Claim 1. No new matter has been added.

Withdrawal of the objection is respectfully requested.

Applicant notes with appreciation the indication that Claims 3, 4, 8, 10, 14,

15, 24, 25, 28, 29, 38, 40, and 41 would be allowable if rewritten so as not to depend from

a rejected claim, and with no change in scope. Applicant respectfully declines to so rewrite

these claims at the present time, because their base claims are believed to be allowable, as

discussed below.

The Office Action states that Claims 1, 2, 5-7, 9, 12, 13, 16-18, 22, 23, 27,

30-33, 35, 39, 42-44, and 71[1] were rejected under 35 U.S.C. § 102(e) as being anticipated

by U.S. Patent No. 6,292,620 (Ohmori et al.); that Claim 19 was rejected under 35 U.S.C. §

103(a) as being unpatentable over Ohmori et al. in view of U.S. Patent No. 5,784,521

(Nakatani et al.); that Claims 20, 34, 45-48, 55-57, and 63-65 were rejected under 35

U.S.C. § 103(a) as being unpatentable over Ohmori et al. in view of Nakatani et al. and

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[1] The Office Action on page 6, line 11, states "Regarding claim 71, Iggulden et al
disclose..." Applicant assumes that it was a typographical error and that the Examiner had
meant to state "Regarding claim 71, Ohmori et al disclose..."

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further in view of U.S. Patent No. 5,956,453 (Yaegashi et al.); that Claims 36 and 37 were

rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohmori et al.; that Claims 49,

50, 58, 59, 66, and 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over

Ohmori et al. in view of Nakatani et al. and Yaegashi et al. and further in view of U.S.

Patent No. 5,515,101 (Yoshida); and that Claims 51-53, 60-62, and 68-70 were rejected

under 35 U.S.C. § 103(a) as being unpatentable over Ohmori et al. in view of Nakatani et

al., Yaegashi et al. and Yoshida and further in view of U.S. Patent No. 6,546,187

(Miyazaki et al.).

  Applicant submits that independent Claims 1, 22, 35, 46, 55, and 63,

together with the claims dependent therefrom, are patentably distinct from the cited prior

art for at least the following reasons.

  Claim 1 is directed to a method of editing a video sequence that includes at

least one clip. Each clip is formed at least by video content captured between two points in

time, which define the clip's duration. Duration data associated with the duration of each

clip of the video sequence is extracted. The duration data of the at least one clip is

processed according to at least one predetermined template of editing rules to form editing

instruction data. The template indicates at least a plurality of predetermined edited

segment durations, and the editing instruction data is configured to form output edited

segments from the at least one clip. The at least one clip of the video sequence is

processed according to the editing instruction data to form an output edited sequence of the

output edited segments. Each output edited segment has a duration corresponding to one

of the plurality of predetermined edited segment durations, with at least a portion of the at

least one clip being discarded by the processing of the at least one clip.

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One notable feature of Claim 1 is processing the duration data of the at least one clip according to at least one predetermined template of editing rules to form editing instruction data. By virtue of the features of Claim 1, a person unskilled in the art of video editing can input a selection of video clips which can then be interpreted and automatically edited according to the particular template selected by the user. The editing template defines various rules that are applied and the particular intervals that may be used.

Ohmori et al., as understood by Applicant, relates to a user interface configured to facilitate editing of video and audio clips to provide an end product output from those various clips. Each of the clips are identified in a clip list (*see* Ohmori et al., Fig. 5) and a time relationship outline of those clips is provided (*see* Ohmori et al., reference numeral 35 in Fig. 6) to afford enhanced user interaction with the interface to obtain a resulting edited output. However, at all stages, Ohmori et al. relies upon manual editing and selection of particular parts of individual clips in order to compile the edited output sequence. Ohmori et al. addresses problems of prior art editors in that the main window display affords the opportunity of reviewing the content of any one clip so that particular break points and the like may be assessed. However, Ohmori et al. is dependent upon user manipulation, via a mouse for example, of the user interface to perform the particular editing steps.

The Office Action states, at page 3, that Ohmori et al. discloses a "predetermined template of editing rules to perform editing instruction data (see Fig. 5, col. 10, line 38 to col. 11, line 31)". Applicant respectfully disagrees with this assertion. Ohmori et al. includes numerous references to user interaction by clicking buttons and the like. *See* Ohmori et al., col. 10 lines 24, col. 10 lines 38 to 42, col. 10 line 51, col. 10 line 61, col. 10 line 63, and col. 11 line 21. Thus, even if the user interface of Ohmori et al. be

deemed to permit significant editing operations to be performed, all of the operations are performed under user control and user manipulation. Nothing has been found in Ohmori et al. that is believed to teach or suggest any "template of editing rules", nor any template by which automated editing according to those rules of the various clips may be performed to create the output edited sequence, as in Claims 1, 22, and 35.

Further, Ohmori et al. does not mention an "edit decision list", as referred in the Office Action at page 4, lines 3-4. Applicant assumes that this was a typographical error and that the Examiner meant to refer to the "edited list" of Ohmori et al. (*see e.g.*, column 5, line 21 of that patent).

In any event, however, Applicant submits that there is no basis for equating the "edited list" of Ohmori et al. with the "template" claimed in Claim 1. The "edited list" of Ohmori et al. is fully variable and user manipulable. The "template" of Claim 1 is predefined and applicable to all clips or video segments that are input.

The Office Action refers to Ohmori et al., at col. 11, lines 27-31, as disclosing the at least a plurality of predetermined edited segment durations indicated by the predetermined template of editing rules. However, Applicant respectfully disagrees with this assertion. Ohmori et al., at col. 11, lines 27-31, states:

> "On the other hand, as described above, an operator can use the edited-list creating part 35 on the main screen 30 with the list of registered clips displayed at the clip information display part 32 on the main screen 30 (Fig. 5) to create an edited list according to the following method."

The method is described from col. 11, line 32 through col. 13, line 30. While this portion of Ohmori et al. makes mention of time scale and various video tracks, nothing has been

found in Ohmori et al. that is believed to teach or suggest "predetermined edited segment durations", of any duration, or that editing is performed based on those durations according to a predetermined template of editing rules, as recited in Claim 1.

The Office Action on page 4, line 2, misquotes a portion of Claim 1 by referring to "with at least one clip being discarded by the processing". Applicant respectfully notes that Claim 1 recites "with <u>at least a portion of the</u> at least one clip being discarded by the processing" (emphasis added). Accordingly, in the method of Claim 1, at least a portion of at least one of the clips being processed is discarded and not used to create the final edited sequence. The Office Action would suggest that the entirety of one of the source clips is discarded.

Further, the Office Action refers to Ohmori et al., at col. 14 lines 10-35. This portion of Ohmori et al. discusses the user's selection, through mouse manipulation (*see* Ohmori et al., col. 14 line 12), of certain frames of video of certain video tracks or audio tracks and the linking of those frames and registration. Nothing has been found in Ohmori et al. that is believed to teach or suggest discarding as recited in Claim 1.

Nevertheless, Applicant understands that the editing of any video sequence will almost always involve the discarding of a portion of at least one clip. Such has always traditionally occurred through manual editing processes and that is how any discarding is performed in the method discussed in Ohmori et al. Ohmori et al. therefore discusses manually edited segment durations. In contrast, the discarding of at least one portion of one clip, in Claim 1, is something inherent in the particular predetermined template of editing rules and is associated with the predetermined edited segment durations. For example, as clearly described in one of the preferred embodiments (*see* Specification, pages 12-13), edited segment durations of 4 and 10 seconds are disclosed. If an input

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video clip runs for a period of, for example, 17 seconds, it is quite clear that the

predetermined time intervals of 4 seconds and 10 seconds do not directly divide into the 17

second clip. Therefore, up to 3 seconds of that clip could be discarded according to a

preferred embodiment of the present invention. Alternatively, the template may use only a

10 second segment, discarding 5 seconds from the start and 2 seconds from the end of the

clip.[2]

While anticipation is not an *ipsissimus verbis* test, it is well-established that

"[a] claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference." MPEP § 2131

(quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d

1051, 1053 (Fed. Cir. 1987)). Nothing in Ohmori et al. would teach or suggest "processing

the duration data of the at least one clip according to at least one predetermined template of

editing rules to form editing instruction data," as recited in Claim 1.

Accordingly, Applicant submits that Claim 1 is patentable over Ohmori et

al.

Independent Claims 22 and 35 recite certain features which are similar in

many relevant respects to those discussed above with respect to Claim 1 and therefore are

believed to be patentable over Ohmori et al. for at least the reasons discussed above.

Claim 46 is directed to a method of editing a video sequence that includes a

plurality of individual clips. Each clip is formed by video content captured between a

corresponding commencement of recording and a corresponding cessation of recording,

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[2]It is of course to be understood that the references to various portions of the present
application are by way of illustration and example only, and that the claims are not limited
by the details shown in the portions referred to.

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and is distinguished by associated data including at least time data related to a real time at which the clip was recorded. Time data for each clip is examined to identify clips that are associable by a predetermined time function. The associable clips are arranged into corresponding groups of clips. For each group of clips, corresponding time data is used to identify at least one of a beginning and a conclusion of the group as a title location. For at least one title location, corresponding time data and/or further data is examined to generate an insert title including at least a text component, and the insert title is incorporated into the video sequence at a corresponding title location.

Nakatani et al. relates to a signal recording system which is arranged to permit simple recording operations on diverse signals without the complexity of operation required by the conventional signal recording system. The signal recording system comprises a recording apparatus including recording means for recording an information signal on a recording medium, and an external storage device which is attachable to and detachable from the recording apparatus and is arranged to store control information. The recording apparatus further includes control means for controlling an operation of the recording apparatus in accordance with the control information read out from the external storage device. Nakatani et al. also relates to a signal recording system which is arranged to permit synchronization of image recording and sound generation with each other by a simple operation.

Yaegashi et al., as understood by Applicant, relates to a method of editing an image with the aid of a computer while watching moving image information displayed on a screen. The method comprises a step of selecting still images representing a plurality of video scenes or a plurality of video cuts constituting the moving image information, a step of determining a hierarchical structure among a plurality of scenes and a plurality of

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cuts represented by still images, a step of designating static images related to an optional

hierarchical structure portion in the hierarchical structure, and a step of displaying the

hierarchical portion including designated still images on a screen with such an arrangement

that shows the hierarchical structure.

As previously noted, Ohmori et al. relies upon manual editing and selection

of particular parts of individual clips in order to compile an edited output sequence.

Ohmori et al. discusses that an operator specifies the in-point and out-point of the image

part. Such is a traditional editing process performed in any manually operated editing

system, where it is necessary for the operator to specify when he/she wishes to commence

using part of a clip (*i.e.*, the in-point) and when he/she is finished using the particular clip

(*i.e.*, the out-point). Nothing has been found in Ohmori et al., Nakatani et al., or Yaegashi

et al., whether considered separately or in any permissible combination (if any), that would

teach or suggest "clips that are associable by a predetermined time function," as recited in

Claim 46.

Accordingly, Applicant submits that Claim 46 is patentable over Ohmori et

al., Nakatani et al., and Yaegashi et al., whether considered either separately or in any

permissible combination (if any).

Independent Claims 55 and 63 recite certain features which are similar in

many relevant respects to those discussed above with respect to Claim 46 and therefore are

believed to be patentable over Ohmori et al., Nakatani et al., and Yaegashi et al., whether

considered separately or in any combination (if any), for at least the reasons discussed

above.

A review of the other art of record has failed to reveal anything which, in

Applicant's opinion, would remedy the deficiencies of the art discussed above, as

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references against the independent claims discussed herein. Those claims are therefore believed to be patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above and therefore are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.
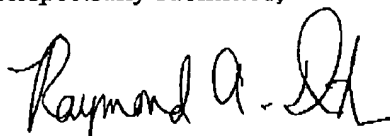
This Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, entry of this Amendment under 37 C.F.R. § 1.116 is believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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CONCLUSION

Applicant's undersigned attorney may be reached in our New York Office

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